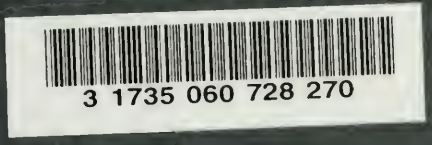
3 1735 060 728 270

E608
D26

838555

dark

THE CAPTURE AND TRIAL

OF A

CONFEDERATE SPY

Sent to Ohio by Jefferson Davis.

UNIVERSITY
OF PITTSBURGH

Dar. Rm.
E608
D26

LIBRARIES

THE

Capture and Trial of a Confederate Spy

Sent to Ohio by Jefferson Davis.

A PAPER

READ BEFORE THE OHIO COMMANDERY

OF THE

MILITARY ORDER

OF THE

Loyal Legion of the United States

FEBRUARY 2, 1887,

BY COMPANION

LEWIS H. BOND,

Brevet Major U. S. Volunteers.

CINCINNATI:
H. C. SHERICK & CO.
1887.

THE

Capture and Trial of a Confederate Spy

SENT TO OHIO BY JEFFERSON DAVIS.

Among the most notable events of the Revolutionary War were the capture and execution of Major André. History, in pathetic language, relates how that young and talented British officer died upon the scaffold for the part he took in the treachery of Benedict Arnold, and we are told that so deeply did these occurrences impress themselves upon the minds of the people that Congress voted medals of gold, inscribed with the motto, "The love of country conquers," to the three militiamen—Van Wert, Paulding, and Williams—who had, out upon the Tarrytown Road, made André their prisoner. The State of Ohio has made the memory of these men perpetual within her borders by adopting their names respectively for three of her northwestern counties.

During the late war of the Southern Rebellion the loyal States were infested with many spies and emissaries of the Confederate authorities; but it is a matter of which the nation should be proud that, among all her armies of two millions and a half of men, no Federal General was ever found base enough to imitate the example of Benedict Arnold. Blunders

may have been committed, but the traitor's sinister bar was never placed upon the escutcheon of any officer of the Union Army.

During the year 1864 there occurred in Ohio a capture which in interest equalled, if it did not exceed, that of Major André.

Lieutenant Samuel B. Davis, of the Confederate Army, a relative of Jefferson Davis, was sent by him on a secret mission to Ohio. He was a young officer, twenty-four years of age; tall and slender, and prepossessing in appearance. His father was a Presbyterian minister, residing in the State of Delaware, of which commonwealth young Davis was a native. Lieutenant Davis, prior to his appearance in this State, had served upon the staff of General Winder, in charge of Andersonville Prison, and had in consequence become known to some of the Union soldiers who were incarcerated there. This fact played an important part in his subsequent detection and trial.

Disguising himself in citizen's clothing, dyeing his hair, and securing a British passport under an assumed name, young Davis entered upon his perilous undertaking. Making his way from Richmond, Va, to Baltimore, Md., he traveled from thence to Columbus, Ohio. How long he remained there, with whom he communicated, and what he communicated was not fully known at the time of his trial, although sufficient information was obtained to justify placing a number of persons under surveillance. Leaving Columbus, Lieutenant Davis traveled on the cars to Detroit, Mich., passed over the Detroit River to Windsor, Canada, and there communicated with Jacob Thompson and other Confederate outlaws, who were making

war upon our Government from the territory of a neutral power. After remaining in Canada a few weeks, he re-crossed the river to Detroit and returned to Columbus, and in a few days thereafter took the cars for Baltimore on his return to Richmond.

Up to this time fortune had favored him. He had escaped detection, and, having fully carried out the instructions he had received from the President of the Confederacy, was hopefully looking forward to the promotion and honor which was sure to follow upon his return. How soon the brightest prospects are dimmed! At Newark, Ohio, two private soldiers of the Union Army took their seats in the same car that contained the Confederate officer. A moment later and one of them whispered to his companion: "Jim, there's Lieutenant Davis, of Andersonville;" and, immediately approaching the Confederate, said: "Arn't you Lieutenant Davis?" "No, sir; my name is Stewart," was the reply. "Yes, you are Lieutenant Davis, and you had charge of the prison when I was in Andersonville," said the soldier. By this time nearly everybody in the car had gathered around the two men, and Lieutenant Davis, seeing that concealment of his identity was no longer possible, said: "Well, boys, you have got me. I am Lieutenant Davis." A few minutes later he was in the custody of the Provost Marshal at Newark, and placed for security within the Newark Jail. Before his incarceration he had been searched. Nothing was found upon his person save his money and watch and chain. He was placed in the main room of the jail with a number of other prisoners who were gathered around a stove. As soon as the Provost

Marshal had taken his departure, Lieutenant Davis removed his coat, ripped open the linings, and, taking out a number of dispatches and drawings which were written upon white silk, consigned them to the flames.

Subsequently he was removed to Cincinnati, and confined in the old prison known as the McLean Barracks. Charges of being a spy were preferred against him, and by order of the Department Commander, General Joseph Hooker, I was ordered to report as Judge-Advocate of the Court-martial which was to try him. The Court-martial convened in the old building nearly opposite the National Theater on Sycamore Street, and Lieutenant Davis, upon being arraigned, pleaded "not guilty of being a spy," but "guilty of being a bearer of dispatches." Then followed the introduction by the prosecution of all the evidence that could be obtained to show that the prisoner was not in any military sense a bearer of dispatches. The Judge-Advocate argued that the prisoner was within the Union lines in disguise, and where he could have obtained valuable information whether he did or not, and that these facts made him a spy according to the laws, customs, and usages of war. Lieutenant Davis offered no testimony to show the contents of the documents he had burnt in the Newark Jail, nor did he reveal any fact that would throw light upon the object of his mission. He did propose to show by the testimony of Jefferson Davis and J. P. Benjamin that he was sent as a bearer of dispatches, and not as a spy; but the Court-martial held that the testimony he desired to obtain would not change the admitted facts of the case, even if true, and declined to grant a continuance for the purpose

of obtaining the testimony of the chief of the Confederacy and his Secretary of State.

It is customary in Courts-martial, after the evidence has been heard, for the prisoner to make his statement. Lieutenant Davis arose for that purpose. He paused for a moment and scanned the faces before him. There sat the rugged, stern-visaged veterans of the Union Army, some of them with empty sleeves. No sympathetic glance returned his own. His doom had overtaken him, and he realized it. Yet, with a fortitude and courage that was sublime, he addressed his judges as though he was speaking not to them, but to posterity. I remember a portion of his address. Said he: "I fear nothing on this earth. I do not fear to die. I am young, and would like to live; but I deem him unworthy who should ask pity of his foemen. Some of you have wounds and scars. I can show them, too. You are serving your country as best you may. I have done the same. I can look to God with a clear conscience; and whenever the Chief Magistrate of this nation shall say 'Go,' whether upon the scaffold or by the bullets of your soldiery, I will show you how to die."

Just before the Court-martial retired for consultation upon their verdict and sentence, he shook hands with each member, and said he did not expect to meet them again on earth. The court found him guilty of being a spy, and sentenced him to be hung. He was taken immediately to Johnson's Island, and a day set for his execution. An account of his trial appeared in a leading newspaper of Cincinnati, together with a report of his remarks. They excited great attention throughout the State. Wm. T. McClintick, Esq.,

President of the Cincinnati and Marietta Railroad, who knew the father of Lieutenant Davis, interested himself actively to secure a suspension of his sentence. An appeal was finally made to President Abraham Lincoln. Senator Saulsbury, of Delaware, wrote to the President: "You know I am neither your personal or political friend, but Senator Douglas once told me that you were a kind-hearted man. Read the inclosed speech of this young officer condemned as a spy. There is nothing like it in history save Robert Emmet's. I ask you to act in this matter as the President of the United States should act."

The day appointed for the execution was near at hand when Lieutenant Davis wrote to me from Johnson's Island. He said: "Having heard of my sentence, and also knowing that the 17th inst. is appointed as the day of my execution, I write in order to give you time to grant the request of a dying man. The court of which you are the Judge-Advocate having sentenced me to be hung, at least grant the request of one whose days are numbered. I desire that, if possible, one or more members of the court will come and witness my execution. Take this as the request of one about to be launched into eternity. Come and see it done, and you shall at least have the satisfaction of knowing that you hung a brave man. Be kind enough to answer this hasty note. It is not written through disrespect, but for the reason I have already assigned."

It illustrates somewhat the spirit of those days to quote now, after twenty-two years have elapsed, my reply to this strange request. I said: "Your wish that one or more members of the court which sen-

tenced you to be hung may be present at your execution will be granted if possible. As Judge-Advocate of the General Court-martial which pronounced the sentence of death upon you, I gladly avail myself of this opportunity of saying to you that, by your manly conduct and heroic bearing under the most trying circumstances, you have won the respect and excited the admiration of your foemen. A sense of duty to their country alone actuated the members of the court when they found you guilty of being a spy; and I assure you it was with feelings of regret and sadness that I conducted the prosecution against you—regret that one so young and brave should deem it right to assist in the destruction of his native land, and sadness that it was *my duty* to prove him guilty of an offense which merits and receives an ignominious punishment."

Preparations for the execution were fully made, and the prisoner looked forward to the morrow as his last day on earth. The commandant at headquarters on Johnson's Island had retired for the night when he was aroused by a messenger bringing an order from President Lincoln directing that the execution be suspended, and the prisoner sent to Fort Warren. In this fortress Lieutenant Davis was kept securely imprisoned until the Southern Confederacy was a thing of the past, when the Secretary of War—Mr. Stanton—very reluctantly directed his release.

It was more than twenty years after the events herein related had occurred, while sitting in my office in Cincinnati, a stranger presented himself before me, and, extending his hand, said: "I presume you do not remember me; my name is Samuel B. Davis."

Seating himself at my invitation, we held a long and interesting conversation. While Lieutenant Davis talked freely about the events of the past, he did not disclose the nature of his mission to Ohio during the war. When he arose to take his departure, I said to him: "Lieutenant Davis, will you not tell me before you go why you came to this State in 1864?" Said he quietly: "That is a secret that will die with me."

D26